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ABSTRACT

The Senate Committee on Commerce reported H.R. 9630 out of committee with an amendment that would extend the educational broadcasting facilities program. The act would provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and public or social service information, and for other purposes. The Act, cited as the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976, provides for matching grants in the construction of non-commercial educational television or radio broadcasting facilities. (HAB)

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Calendar No. 772

94TH CONGRESS
2D SESSION

H. R. 9630

[Report No. 94-813]

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1976

Read twice and referred to the Committee on Commerce

MAY 11, 1976

Reported by Mr. PASTORE, with an amendment

[Insert the part printed in *italic*]

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EDUCATION & WELFARE
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AN ACT

To extend the Educational Broadcasting Facilities Program and
to provide authority for the support of demonstrations in tele-
communications technologies for the distribution of health,
education, and public or social service information, and for
other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled;*
- 3 That this Act may be cited as the "Educational Broadcast-
- 4 *ing Facilities and Telecommunications Demonstration Act of*
- 5 *1976".*

PURPOSE

- 7 SEC. 2. (a) Part IV of title III of the Communications
- 8 Act of 1934 is amended by striking out the heading of such

1 part and inserting in lieu thereof "ASSISTANCE FOR NON-
2 COMMERCIAL EDUCATIONAL BROADCASTING FACILITIES;
3 TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION
4 FOR PUBLIC BROADCASTING".

5 (b) Subpart A of such part is amended by striking out
6 the heading of such subpart and inserting in lieu thereof
7 "ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL BROAD-
8 CASTING FACILITIES AND TELECOMMUNICATIONS DEMON-
9 STRATIONS".

10 (c) Section 390 of such Act is amended to read as
11 follows:

12 "DECLARATION OF PURPOSE

13 SEC. 390. The purposes of this subpart are (1) to
14 assist (through matching grants) in the construction of non-
15 commercial educational television or radio broadcasting
16 facilities, and (2) to demonstrate (through grants or con-
17 tracts) the use of telecommunications technologies for the
18 distribution and dissemination of health, education, and other
19 public or social service information."

20 "AUTHORIZATION OF APPROPRIATIONS"

21 SEC. 3. Section 391 of the Communications Act of 1934
22 is amended to read as follows:

23 SEC. 391. There are authorized to be appropriated
24 \$7,500,000 for the period July 1, 1976, through Septem-
25 ber 30, 1976, and \$30,000,000 for the fiscal year ending

1 September 30, 1977, to assist (through matching grants) in
 2 the construction of noncommercial educational television or
 3 radio broadcasting facilities as provided in this subpart.
 4 Sums appropriated under this section for any fiscal year or
 5 period shall remain available for payment of grants for
 6 projects for which applications approved under section 392
 7 have been submitted under such section within one year after
 8 the last day of such fiscal year or period."

9 CRITERIA FOR BROADCAST FACILITIES CONSTRUCTION

10 SEC. 4. (a) Section 392 (a) (1) of the Communications
 11 Act of 1934 is amended by striking out clause (C) and
 12 inserting in lieu thereof "(C) a public or private nonprofit
 13 college or university or other educational or cultural institu-
 14 tion which is affiliated with an eligible college or university".

15 (b) Section 392 (d) of such Act is intended to read
 16 as follows:

17 " (d) (1) The Secretary shall base his determinations
 18 of whether to approve applications for television grants
 19 under this section and the amount of such grants on criteria
 20 set forth in regulations and designed to achieve (A) a
 21 strengthening of the capability of existing noncommercial
 22 educational television stations to provide local services; (B)
 23 the adaptation of existing noncommercial educational tele-
 24 vision facilities to broaden educational uses; and (C) ex-
 25 tension of noncommercial educational television services,

1 with due consideration to equitable geographic coverage
2 throughout the United States.

3 "(2) The Secretary shall base his determination of
4 whether to approve applications for radio grants under this
5 section and the amount of such grants on criteria set forth in
6 regulations and designed to achieve (A) extension of non-
7 commercial educational radio services with due consideration
8 to equitable geographic coverage throughout the United
9 States; (B) a strengthening of the capability of existing
10 noncommercial educational radio stations to provide local
11 service; and (C) the provision of multiple radio stations in
12 major population centers to broaden services for special
13 interest, minority, and educational uses.",

COORDINATION

15 SEC. 5. Section 395 of the Communications Act of 1934
16 is amended to read as follows:

17 "COORDINATION WITH THE COMMISSION AND THE
18 CORPORATION

19 "SEC. 395. The Federal Communications Commission
20 is authorized to provide such assistance in carrying out the
21 provisions of this subpart as may be requested by the Secretary.
22 The Secretary shall provide for close coordination with
23 the Federal Communications Commission in the administra-
24 tion of his functions under this subpart which are of interest
25 to or affect the functions of the Commission. The Secretary
26 shall provide for close coordination with the Corporation

1 for Public Broadcasting in the administration of his functions
 2 under this subpart which are of interest to or affect the func-
 3 tions of the Corporation.".

CONSTRUCTION

5 SEC. 6. Section 397 (2) of the Communications Act of
 6 1934 is amended to read as follows:

7 " (2) The term 'construction', as applied to educational
 8 television broadcasting facilities or educational radio broad-
 9 casting facilities, means the acquisition and installation of
 10 transmission and reception apparatus (including towers,
 11 microwave equipment, boosters, translators, repeaters,
 12 mobile equipment, video recording equipment, nonvideo
 13 recording equipment, radio subcarrier receivers, and satellite
 14 transceivers) necessary for television broadcasting or radio
 15 broadcasting, as the case may be, including apparatus which
 16 may incidentally be used for transmitting closed circuit
 17 television or radio programs, but such term does not include
 18 the construction or repair of structures to house such appara-
 19 tus. In the case of apparatus, the acquisition and installation
 20 of which is so included, such term also includes planning
 21 therefor."

AUDIO RECORDING EQUIPMENT

22 SEC. 7. Section 399 (b) of the Communications Act of
 23 1934 is amended by adding at the end thereof the following
 24 new paragraph:

1 "(5) From amounts appropriated pursuant to section
2 391 after the date of enactment of this paragraph, the Sec-
3 retary may make a grant to any licensee of a noncommer-
4 cial educational broadcast station who received assistance
5 under this part of the full amount necessary to acquire equip-
6 ment to permit such licensee to comply with paragraph (1)
7 of this subsection."

TELECOMMUNICATIONS DEMONSTRATIONS

9 SEC. 8. The Communications Act of 1934 is amended
10 by adding after section 392 the following new section:

11 "TELECOMMUNICATIONS DEMONSTRATIONS"

12 "SEC. 392A. (a) It is the purpose of this section to pro-
13 mote the development of nonbroadcast telecommunications
14 facilities and services for the transmission, distribution and
15 delivery of health, education, and public or social service
16 information. The Secretary is authorized, upon receipt of an
17 application in such form and containing such information as
18 he may by regulation require, to make grants to, and enter
19 into contracts with public and private nonprofit agencies,
20 organizations, and institutions for the purpose of carrying
21 out telecommunications demonstrations.

22 " (b) The Secretary may approve an application sub-
23 mitted under subsection (a) if he determines—

24 - "(1) that the project for which application is made
25 will demonstrate innovative methods or techniques of

utilizing nonbroadcast telecommunications equipment or facilities to satisfy the purpose of this section;

"(2) that demonstrations and related activities assisted under this section will remain under the administration and control of the applicant;

"(3) that the applicant has the managerial and technical capability to carry out the project for which the application is made; and

"(4) that the facilities and equipment acquired or developed pursuant to the application will be used substantially for the transmission, distribution, and delivery of health, education, or public or social service information.

"(c) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to or enter into a contract with the applicant in an amount determined by the Secretary not to exceed the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

"(d) Funds made available pursuant to this section shall not be available for the construction, remodeling, or repair of structures to house the facilities or equipment ac-

1 quired or developed with such funds, except that such funds
2 may be used for minor remodeling which is necessary for
3 and incident to the installation of such facilities or equip-
4 ment.

5 "(e) For purposes of this section, the term 'nonbroad-
6 cast telecommunications facilities' includes, but is not limited
7 to, cable television systems, communications satellite systems
8 and related terminal equipment, and other methods of trans-
9 mitting, emitting, or receiving images and sounds or intel-
10 ligence by means of wire, radio, optical, electromagnetic or
11 other means.

12 "(f) The funding of any demonstration pursuant to this
13 section shall continue for not more than three years from the
14 date of the original grant or contract.

15 "(g) The Secretary shall require that the recipient of
16 a grant or contract under this section submit a summary and
17 evaluation of the results of the demonstration at least an-
18 nually for each year in which funds are received pursuant to
19 this section.

20 "(h) There are authorized to be appropriated \$1,000,-
21 000 for the fiscal year ending June 30, 1976, and \$250,000
22 for the period July 1, 1976, through September 30, 1976, to
23 carry out the provisions of this section. Sums appropriated
24 under this subsection for any fiscal year or period shall remain

- 1 available for payment of grants or contracts for projects for
- 2 which applications approved under this section have been
- 3 submitted within one year after the last day of such fiscal
- 4 year or period.

Passed the House of Representatives January 20, 1976.

Attest: EDMUND L. HENSHAW, JR.,

Clerk.

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